
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

MICHAEL ANTHONY LORUSSO,

Plaintiff,

v.

MOAB POLICE DEPARTMENT,

Defendant.

**MEMORANDUM DECISION
& DISMISSAL ORDER**

Case No. 4:22-CV-90-DN

District Judge David Nuffer

Plaintiff, Michael Anthony LoRusso, a Florida inmate, filed a *pro se* civil-rights complaint. *See* 42 U.S.C.S. § 1983 (2022). Because Plaintiff had, three or more prior times while incarcerated, filed an action dismissed as "frivolous or malicious or fail[ing] to state a claim upon which relief may be granted," 28 *id.* § 1915(g), the Court concluded that Plaintiff could not proceed *in forma pauperis* but must pay his entire \$350 filing fee up front. (ECF No. 6 (Dec. 19, 2022).) The Court warned that Plaintiff's complaint would be dismissed unless he paid the full filing fee within thirty days.

Plaintiff responded with a Motion for Rehearing, in which he describes many irrelevant activities of, and possible crimes against, other people. (ECF No. 7.) Plaintiff's motion does not address the one exception to § 1915(g)--whether the claims in his complaint show that he "is under imminent danger of serious physical injury." 28 U.S.C.S. § 1915(g) (2022). And it is clear from the Complaint that he does not raise such claims. (ECF No. 5.)

Thus, the filing fee still applies, yet Plaintiff has not paid it.

IT IS THEREFORE ORDERED that:

- (1) Plaintiff's Motion for Rehearing is DENIED. (ECF No. 7.)
- (2) This action is DISMISSED without prejudice.

DATED this 31st day of January, 2023.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written above a horizontal line.

DAVID NUFFER
United States District Judge